

‘War’ against Naxalism

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On May 21 this year the Government of Andhra Pradesh announced a ban on the *CPI(ML)* (*People’s War group*) and eight of what the government described as its front organisations — including organisations of agricultural labourers, tribals, coalmine workers, women, etc. The chief minister N Janardhan Reddy himself said that the ban was an offering made to the departed spirit of Rajiv Gandhi on the occasion of his first death anniversary.

This ban takes one significant step further what the state government has unabashedly been describing as its ‘war’ against *Naxalism*. The ‘war’ has already resulted in indescribable misery to the rural poor and tribals who constitute the principal social base of the *Naxalites*, i.e., the *CPI(ML)* groups.

That the banned group believes in the use of violent means and has indulged in substantial violence, especially in the last two years, is no justification whatsoever for this extralegal attack on its entire social base and political supporters, especially when the social base consists of the wretched of the earth. The violent methods of the *People’s War* group is neither defended nor condoned. But recourse to violence does not by any means justify the denial of political freedom to a whole political movement.

What is being banned in the name of political violence is the politics and not just the violence. Politics, even violent politics, cannot be treated as criminality. A sensitive understanding of its social context and significance must be demanded as an essential ingredient of a democratic polity’s attitude towards even a violent political movement. The ban and the powers which the government seems to think the ban gives it indicate just the opposite of this politically sensitive attitude.

It should be added that the men who rule this state have hardly the credentials to brand others criminals. Their mafia-style activities and their colossal corruption are common knowledge, and if violence and unlawful activities are sound enough reasons for banning a political organisation, then it is the *Congress(I)* that will first have to be banned.

From the day of the ban the chief minister, the home minister and police officers have been threatening the press in very offensive language. Arrogating to themselves

powers that the act enabling the ban does not even contemplate, they have been talking of issuing a code of conduct to the press laying down what it can publish and what it cannot publish regarding the affairs of the banned organisations. Police atrocities on the rural poor (in the name of suppressing *Naxalism*) have received considerable publicity in the press and the suppressed anger of the government has now found expression in dreams of censorship not sanctioned by the legislation. For instance, when an 'encounter' takes place the press should publish only the police version and not the *People's War* group's version!

As a consequence of these threats journalists are already feeling insecure and uncertain about what they can write. Civil liberties organisations are also being threatened that they will also be banned unless they 'behave themselves properly', to use the words of M V Mysoora Reddy, the home minister of the state. Though that gentleman cannot possibly entertain illusions that anyone would gain from taking lessons in civil liberties — or even proper behaviour — from him, the intent to intimidate is very evident.

In the villages the police have intensified raids, threats, arrests and torture, not only of persons allegedly having connections with the banned group, but also the cadre and sympathisers of other *CPI(ML)* groups which have not been banned. The people are living in a state of unprecedented terror.

The ban was promulgated under *section 15(2)(b)* of the *Criminal Law Amendment Act, 1908*, which is applicable to the so-called Andhra area of the state, and the *Public Security Act, Fasli 1348*, which is applicable to the Telangana area. The *Criminal Law Amendment Act, 1908*, empowers the government to ban organisations which encourage violence, etc. This was applicable to British India. In 1950 the (then) Madras state government amended the operative part of the act, i.e. *section 15(2)(b)*. It is in this form that the act applies to that part of Andhra Pradesh which was then in the Madras State (the so-called Andhra area). The *Public Security Act, Fasli 1348*, was enacted by the Government of Hyderabad in 1938, and it is this that applies to the Telangana region.

However, *section 15(2)(b)* of the *Criminal Law Amendment Act 1908* was struck down as unconstitutional by a Constitution bench of the Supreme Court as far back as 1952. on the ground that a restriction on a right guaranteed by *Article 19(1)* without the provision of judicial review is not a reasonable restriction. For the same reason the *Public Security Act* is also unconstitutional.

This fact was brought to the notice of the public and the government through press releases published by the papers on May 24 and May 26. Other knowledgeable persons whom the press interviewed endorsed this opinion and that too has been published by the papers. And yet the state government continues to assert that the ban is in force and that it will be enforced ruthlessly.